

110TH CONGRESS
1ST SESSION

S. 1316

To establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2007

Mrs. FEINSTEIN (for herself, Mr. DURBIN, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Firearms by Foreign
5 Convicts Clarification Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 (a) COURTS.—Section 921(a) of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 “(36) The term ‘any court’ includes any Fed-
2 eral, State, or foreign court.”.

3 (b) EXCLUSION OF CERTAIN FELONIES.—Section
4 921(a)(20) of title 18, United States Code, is amended—

5 (1) in subparagraph (A), by striking “any Fed-
6 eral or State offenses” and inserting “any Federal,
7 State, or foreign offenses”;

8 (2) in subparagraph (B), by striking “any State
9 offense classified by the laws of the State” and in-
10 serting “any State or foreign offense classified by
11 the laws of that jurisdiction”; and

12 (3) in the matter following subparagraph (B),
13 in the first sentence, by inserting before the period
14 the following: “, except that a foreign conviction
15 shall not constitute a conviction of such a crime if
16 the convicted person establishes that the foreign con-
17 viction resulted from a denial of fundamental fair-
18 ness that would violate due process if committed in
19 the United States or from conduct that would be
20 legal if committed in the United States”.

21 (c) DOMESTIC VIOLENCE CRIMES.—Section
22 921(a)(33) of title 18, United States Code, is amended—

23 (1) in subparagraph (A), by striking “subpara-
24 graph (C)” and inserting “subparagraph (B)”; and

(2) in subparagraph (B)(ii), by striking “if the conviction has” and inserting the following: “if the conviction—

“(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States;

or

“(II) has”.

SEC. 3. PENALTIES.

Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking “an offense under State law” and inserting “an offense under State or foreign law”; and

(2) by inserting before the semicolon the following: “, except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United

- 1 States or from conduct that would be legal if com-
- 2 mitted in the United States”.

